

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

DONALD P. SPEAKMAN, STEPHEN H.
WEDEL, and MARK L. ROBARE,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

ALLMERICA FINANCIAL LIFE INS. &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INS. CO., and
ALLMERICA FINANCIAL CORP.,

Defendants.

Civil Action No. 4:04-cv-40077-FDS

**ASSENTED TO MOTION FOR LEAVE
TO FILE SUR-REPLY BRIEF IN OPPOSITION TO
MOTION OF JORDAN P. GATES FOR RELIEF FROM JUDGMENT**

Defendants Allmerica Financial Life Ins. and Annuity Co., First Allmerica Financial Life Ins. Co., and The Hanover Insurance Group, Inc. formerly known as Allmerica Financial Corporation (collectively “Allmerica” or “Defendants”) respectfully request leave to file the accompanying Sur-Reply Brief in Further Opposition to Motion of Jordan P. Gates for Relief from Judgment.

Defendants believe that the Sur-Reply Brief is necessary to respond to certain arguments newly raised in Mr. Gates’ Reply Memorandum, and that it will assist the Court’s consideration of Gates’ pending Motion for Relief From Judgment.

A copy of the proposed Sur-Reply Brief is attached hereto as Exhibit 1.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), on January 4, 2007, counsel for Allmerica conferred with Mark Corner, counsel for Mr. Gates in this matter, regarding this Motion. Mr. Corner indicated that he would assent to the Motion.

Respectfully submitted,

ALLMERICA FINANCIAL LIFE INSURANCE &
ANNUITY CO., FIRST ALLMERICA
FINANCIAL LIFE INSURANCE CO., and
ALLMERICA FINANCIAL CORP.

By their attorneys,

/s/ Jonathan A. Shapiro

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Dated: January 5, 2007

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served on this 5th day of January 2007 by overnight mail on:

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